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**FISCAL IMPACT STATEMENT**

**LS 6269**

**BILL NUMBER: SB 78**

**NOTE PREPARED: Feb 21, 2007**

**BILL AMENDED: Feb 20, 2007**

**SUBJECT: Sex and Violent Offender Registry**

**FIRST AUTHOR: Sen. M. Young**

**FIRST SPONSOR:**

**BILL STATUS: CR Adopted - 1<sup>st</sup> House**

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT: State & Local**

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. To honor the memory of Stephanie Wagner, this bill changes the name of the Sex Offender Registry to the "Sex and Violent Offender Registry" and requires persons convicted of murder or voluntary manslaughter to register on the sex and violent offender registry under the same conditions applying to registration by sex offenders.
- B. It adds a culpability standard to a criminal statute relating to the use of limited criminal histories.
- C. It requires persons in Indiana convicted of murder or voluntary manslaughter to be placed on lifetime parole.
- D. It makes technical corrections and conforming amendments.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** (Revised) *Summary* – This bill will have two effects on the Department of Correction. First, DOC will be required to renegotiate its contract with vendors who administer the Indiana Sex Offender Registry. Secondly, requiring offenders who commit murder or voluntary manslaughter after June 30, 2007 to register for life will increase the need for additional parole officers beginning in 2023 and peaking in 2054.

*Overview of Sex Offender Registry* – The Sex Offender Registry has two components for public use:

- a web page with the name, address, and picture of each offender.
- a geographical information system component that shows each offender on maps of varying scale.

The Department of Correction (DOC) coordinates with the Indiana Sheriffs' Association to input offender information into a database. DOC then contracts with APPRISS Inc. to develop this information into a series of web pages with the offender's name, address, and recent picture. The current contract with APPRISS for initial costs was \$173,000, and DOC has a continuing contract to pay \$4,000 per month for maintenance. This maintenance contract expires on January 22, 2008.

The Office of the Attorney General contracts with Map Muse Inc. for developing the on-line maps of where sex offenders are located. The current contract for the services of Map Muse is \$42,100 and runs from January 31, 2005, to January 31, 2008.

Added Costs – To add a menu option for murder and voluntary manslaughter, DOC estimates the costs to range between \$75,000 (to add the five specific offenses and rename the registry) and \$180,000 (to redesign the registry to allow for future changes at lower cost). The following describes the features of these two options in greater detail.

<u>Option Cost</u>	<u>Description</u>	<u>Features</u>
\$75,000	Adds five specific offenses and renames the registry	Modifications would be made to the tool that local sheriffs use to collect data, the public uses to view data, APPRISS uses to transmit data to the National Sex Offender Public Registry, and APPRISS uses to provide data to MapMuse.
\$180,000	Redesigns registry to allow for future changes at lower cost	Sex and violent offenders would be in separate groups requiring registration and available for presentation to the public. Reduces future programming costs to add new registration requirements and new groups of offenders.

*Persons Convicted of Murder or Voluntary Manslaughter* – The number of ex-offenders who have been released and living in communities or on probation is not known. There are currently 155 offenders who are on parole who were incarcerated for murder and 46 on parole for voluntary manslaughter. These include the offenders who were sentenced in courts from other states and transferred to Indiana under the Interstate Compact. There are also 455 offenders who are projected to be released from DOC between 2007 and 2016 who are incarcerated for murder and 208 projected to be released who are incarcerated for manslaughter for the same period of time.

Offenders who are sentenced for murder or voluntary manslaughter after June 30, 2007 will be required to be on parole for the rest of their life after they are released from incarceration. Based on offenders who were received a determinate sentence for murder or for voluntary manslaughter between 2002 and 2006, requiring offenders to be on probation for the rest of their life will begin to take effect in 2023, as offenders who were committed to DOC after June 30, 2007 for either voluntary manslaughter or murder will be released from DOC and begin their period of post-incarceration supervision.

Offenders sentenced for voluntary manslaughter will be released first. On average 29 offenders were committed each year with an average sentence of 31 years. Offenders committed to DOC for murder or voluntary manslaughter committed after July 1, 2007 will begin being released in 2023. Assuming that these offenders live to the age of 77, they will be on parole for an additional, 30 years. The additional number of offenders who will be on parole after 2053 will be 870 (29 offenders per year X 30 years).

Offenders sentenced for murder after June 30, 2007 will begin being released after 2044. The average age of offenders released would be 67. If these offenders live for an additional ten years, the added number of offenders who will be on lifetime parole for murder is 990 (99 offenders per year X 10 years).

<b><u>Offense</u></b>	<b><u>Avg. Offenders Committed</u></b>	<b><u>Average Sentence</u></b>	<b><u>Avg Age At Sentence</u></b>	<b><u>Year of Release for Sentence in 2007</u></b>	<b><u>Age at Release</u></b>
Murder	99*	73	31	2044	67.5
Voluntary Manslaughter	29	31	31	2023	46.5
* Committed with determinate sentence, on average eight offenders sentenced to life without parole Source: Offenders Sentenced for Murder, CY 2002 through 2006					

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill would require lifetime registration by a person convicted of murder. Local law enforcement agencies would be required to visit the home of an ex-offender convicted and incarcerated for murder at least once per year. The Department of Correction received responses from eight local law enforcement agencies concerning a survey of the costs of registering and monitoring sex offenders. On average, each agency spent about \$52 for each registration visit.

The following table shows the average number of offenders who have been committed to DOC facilities for murder and voluntary manslaughter between 2002 and 2006 for five different county population groups and Marion County.

<b>Offenders Committed by CY from DOC in:</b>									
<b><u>Population Category</u></b>	<b><u>No. of Counties</u></b>	<b><u>Population in 2005</u></b>	<b><u>2002</u></b>	<b><u>2003</u></b>	<b><u>2004</u></b>	<b><u>2005</u></b>	<b><u>2006</u></b>	<b><u>5-Year average</u></b>	<b><u>Rate per 100,000</u></b>
Less than 25,000	30	503,627	5	9	3	2	5	4.8	1.0
Between 25,000 and 40,000	25	808,627	4	6	6	7	6	5.8	0.72
Between 40,000 and 75,000	18	972,397	7	15	14	12	8	11.2	1.15
Between 75,000 and 250,000	15	2,020,726	25	31	38	32	26	30.4	1.5
Allen, Lake, St. Joseph	3	1,103,463	27	42	30	52	32	36.6	3.32
Marion County	1	863,133	34	49	35	36	40	38.8	4.5
Statewide	92	6,271,973	102	152	126	141	117	127.6	2.03

### **Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction Parole Offices; Indiana Judicial Center.

**Local Agencies Affected:** Probation offices.

**Information Sources:** Department of Correction; Indiana Judicial Center; Interstate Commission for Adult Offender Supervision.

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